IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Bail Appl..No. 353 of 2007()

CMP.3820/2006 of J.M.F.C.-II,TRIVANDRUM

.....

: PETITIONER/1st ACCUSED:

SHIBU, S/O.SREEKANTAN NAIR,
PUTHUVAL PUTHENVEEDU, T.C.80/1432,
BALANGAR, KANNANTHURA WARD,
KADAKAMPALLY VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENT:

THE STATE OF KERALA, REPRESENTED BY
THE DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - -

BAIL APPLICATION NO.353 OF 2007

- - - - - - - - - ---------- - - - - -

DATED THIS THE 23rd DAY OF JANUARY, 2007

O R D E R

Petitioner who is the first accused in Crime No.311/06 of Valiyathura Police Station for an offence punishable under section 376 IPC for allegedly having been ravished his step daughter born to his concubine, kept by the petitioner, seeks his enlargement on bail.

2. The case of the prosecution is that the petitioner has been sexually assaulting the 14 year old girl right from the aged of 8 years. The petitioner was arrested on 24.11.2006 and he has been in judicial custody ever since then.

3. Having regard to the facts and circumstances of the case including the duration of judicial custody of the petitioner , I am inclined to grant bail to the petitioner, but on conditions safeguarding the interest of the prosecution as well. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II,Thiruvananthapuram and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Police, till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not enter anywhere near the victim Shameena is housed .

5. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn